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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,442	12/29/2003	Bennett Cookson JR.	019404-001400	2385
20350	7590	08/23/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				CABUCOS, MARIE G
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/748,442	COOKSON ET AL.
	Examiner	Art Unit
	Marie Antoinette Cabucos	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04, 8/1/05 & 5/24/2006</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Notargiacomo et al (US Publication no. 2003/0014422).

Regarding claims 1, 10 and 11, Notargiacomo discloses in figures 1, 6 and 7 a system for creating a family tree, comprising a processor (10) programmed to receive a request from a user to return a file comprising the family tree; use a plurality of primary source records to construct the family tree based on the request, wherein the records indicate multiple alternatives for at least one branch of the family tree; send a file comprising the family tree to the user, wherein the file comprises the alternatives.

3. Regarding claims 2, 3, 12 and 13, Notargiacomo discloses in figures 3 and 4, wherein an alternative results from a difference relating to a selection from the group consisting of spelling, place, date, event 3 relationship, ancestor, spouse, and children; and wherein the processor is further programmed to provide an opportunity for the user to select among the alternatives.

4. Regarding claims 4-6 and 14-16, Notargiacomo discloses in figures 2 and 7, wherein the processor is further programmed to receive a selection from among the alternatives from the user, store the selection, use the selection to revise the family tree; and send a file comprising the revised family tree to the user; wherein the processor is further programmed to use the selection to provide an alternative to another user; and wherein the processor is further programmed to thereafter receive a non-contemporaneous request from the user to view the family tree; use the stored selection to construct the family tree; and send a file comprising the family tree to the user, wherein the family tree comprises the revised family tree.

5. Regarding claims 7-9 and 17-19, Notargiacomo discloses in figures 6 and 7, wherein the processor is further programmed to receive additional genealogy data that creates new alternatives in the family tree; and notify the user of the new alternatives; wherein in being programmed to notify the user of the new alternatives, the processor is further programmed to send the user an email; and wherein in being programmed to notify the user of the new alternatives the processor is further programmed to send the user a file comprising the family tree, wherein the file includes a new alternatives symbol (paragraph 0020).

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to Richard VanderDrift (US Patent no. 5,455,945) discloses a system and method for dynamically displaying, entering and updating data from a database.

Prior art of record to Kent W. Huff (US Patent no. 6,760,731) discloses a genealogy registry system.

Prior art of record to Tebbs et al (US Publication no. 2005/0114364) discloses a method and apparatus for processing genealogical data.

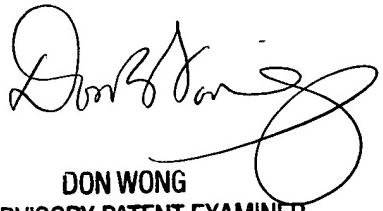
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos
Examiner
Art Unit 2163



DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100